



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADE
The application of:

Avi J. ASHKENAZI, et al.) Examiner: O'Hara, Eileen B.
Application Serial No. 09/978,192) Art Unit: 1646
Filed: October 15, 2001) Confirmation No: 3437
For: **SECRETED AND**) Attorney's Docket No. 39780-2630 P1C9
TRANSMEMBRANE)
POLYPEPTIDES AND NUCLEIC)
ACIDS ENCODING THE SAME)
Customer No. 35489

EXPRESS MAIL LABEL NO. EV 582 632 668 US
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PRELIMINARY AMENDMENT

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On July 19, 2005, the Examiner made a Final Rejection to pending Claims 58-62. A Notice of Appeal was filed on December 19, 2005, and an Appeal Brief was filed on February 17, 2006. This Preliminary Amendment accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application, which is in response to the Notification of Non-Compliant Appeal Brief mailed May 3, 2006 (Paper No./Mail Date 04192006), in connection with the above-identified patent application.

Please consider the following arguments. This Request and Preliminary Amendment is timely filed with a concurrent Request for a two-month extension of time and the requisite fee.

The present Amendment and Response is further accompanied by the submission of a Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis, with attached Exhibits A and B. Also filed herewith is an Information Disclosure Statement providing copies of additional articles and abstracts in support of Applicants' arguments. Applicants note that some of the references listed in the Information Disclosure Statement are provided in the form of full-text articles, while others are provided as abstracts. Applicants submit that the full-text articles are provided solely

because they are available to Applicants. Applicants do not intend to make any distinction among the references, or to indicate that some references in the IDS are more pertinent or material than others. Applicants respectfully request that the information listed in the Information Disclosure Statement be considered by the Examiner and be made of record in the above-identified application.

Currently Pending Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 4 of this paper.